

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

LUCAS KENNETH SABATINO,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

Case No. 20-CV-1562-JPS

ORDER

On October 9, 2020, Lucas Kenneth Sabatino (“Petitioner”) filed a motion to vacate, set aside, or correct his sentence pursuant to 28 U.S.C. § 2255. (Docket #1). On November 3, 2020, the United States (“Respondent”) filed a motion to dismiss Petitioner’s motion, or, in the alternative, to transfer the case to the United States District Court for the Western District of North Carolina. (Docket #2). Respondent argues that the United States District Court for the Western District of North Carolina, as the court that sentenced Petitioner, would have jurisdiction under 28 U.S.C. § 2255(a), and that this Court does not have jurisdiction to entertain Petitioner’s motion. (*Id.*) Petitioner never responded to Respondent’s motion, nor has he had any subsequent communication with the Court. The Court will, therefore, treat Respondent’s motion as unopposed, Civ. L.R. 7(d), and transfer this case to the United States District Court for the Western District of North Carolina. *See, e.g., U.S. ex rel. Hardison v. Huffman*, No. 02 C 4507, 2002 WL 1477627, at *3 (N.D. Ill. July 9, 2002) (“Though lacking jurisdiction over this case, whether construed as a petition for habeas corpus or a motion under § 2255, this court has the power under 28 U.S.C. § 1631 to transfer the case to the district in which it could have been brought.”).

Accordingly,

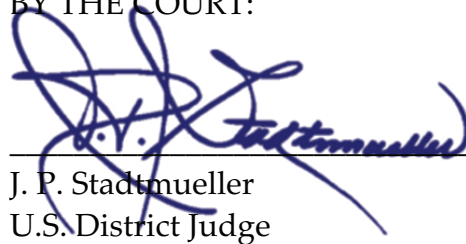
IT IS ORDERED that Respondent's motion to transfer the case to the United States District Court for the Western District of North Carolina (Docket #2) be and the same is hereby **GRANTED**; and

IT IS ORDERED that the action be and the same is hereby **TRANSFERRED** to the United States District Court for the Western District of North Carolina for all further proceedings.

The Clerk of the Court is directed to take all appropriate steps to effectuate the transfer of this action to the United States District Court for the Western District of North Carolina.

Dated at Milwaukee, Wisconsin, this 28th day of April, 2021.

BY THE COURT:



J. P. Stadtmueller
U.S. District Judge